

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS MCKINNON and GERI
MCKINNON,

2:12-CV-329 JCM (VCF)

Plaintiffs,

1

ONEWEST BANK, FSB, et al.,

Defendants.

ORDER

18 Presently before the court is the matter of *McKinnon et al. v. NDEX West, LLC* (2:12-cv-329-
19 JCM-VCF). On June 16, 2014, the court entered an order expunging the *lis pendens* upon the
20 property at the center of this dispute. (Doc. # 71).

21 On June 30, 2014, defendants filed a request for the court to issue an additional order
22 including precise language laid out in Nev. Rev. Stat. 14.015(5). (Doc. # 74). Though defendants'
23 request was misplaced, the court issued an order restating that the *lis pendens* was expunged
24 pursuant to Nev. Rev. Stat. 14.015(3).

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1 On July 15, 2014, defendants requested the expunction of an additional *lis pendens* to which
2 they failed to refer in their prior request.¹ (Doc. # 77). This *lis pendens* was included within
3 defendants' motion to expunge, (doc. # 60), which was granted by the court, in its entirety, on June
4 16, 2014, (doc. # 71).

5 Nevertheless, the court finds it appropriate to reiterate that expunction of this *lis pendens* is
6 warranted, as plaintiffs have failed to fulfill the requirements set forth in Nev. Rev. Stat. 14.015(3).

7 || Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the notice of pendency of
9 action filed and recorded by or on behalf of plaintiffs upon the real property located at 6208
10 Sweetbriar Court, Las Vegas, Nevada, 89146 (APN 163-02-814-017) with the Clark County
11 Recorder's Office as instrument number 201207030002416 is hereby cancelled and expunged.

12 IT IS FURTHER ORDERED that plaintiffs shall record a copy of this order with the Clark
13 County Recorder's Office within seven (7) days of its issuance.

14 || DATED July 21, 2014.

UNITED STATES DISTRICT JUDGE

¹ In this filing, defendants also state that the court “amended” its original expunction order to include “specific language as required by [Nev. Rev. Stat.] 14.015(5).” (Doc. # 77, p. 2). This is inaccurate. In its order, the court specifically stated:

Defendants' assertion that [the language of Nev. Rev Stat. 14.015(5)] is necessary to expunge the *lis pendens* is misplaced, as the court did not find that plaintiffs failed to meet the requirements set forth in Nev. Rev. Stat. 14.015(2), but instead that plaintiffs lacked a "fair chance of success on the merits" as required by Nev. Rev. Stat. 14.015(3). Therefore, the specific language required for cancellation pursuant to Nev. Rev. Stat. 14.015(5) was not necessary to give effect to the court's order.

25 || (Doc. # 75, p.2).